

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

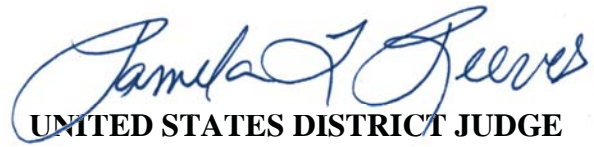
|                        |   |                          |
|------------------------|---|--------------------------|
| Michelle A. Lurry,     | ) |                          |
|                        | ) |                          |
| <i>Plaintiff,</i>      | ) |                          |
|                        | ) |                          |
| v.                     | ) | No.: 3:13-CV-719-PLR-CCS |
|                        | ) |                          |
| Sasaki Sogyo USA Inc.  | ) |                          |
| d/b/a Kanpai of Tokyo, | ) |                          |
|                        | ) |                          |
| <i>Defendant.</i>      | ) |                          |

**MEMORANDUM OPINION**

The plaintiff filed this action on December 12, 2013. Rule 4(m) of the Federal Rules of Civil Procedure requires a plaintiff to serve the summons and complaint on a defendant within 90 days of filing the complaint. If a plaintiff does not serve a defendant within 90 days of filing the complaint, the court “must dismiss the action without prejudice” unless the plaintiff shows good cause for his failure. After more than 90 days elapsed without the plaintiff filing a return of service as to the defendant in this case, the Court ordered the plaintiff to show cause in writing on or before March 11, 2016, why this action should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for insufficient service of process. [R. 7]. No response to the Show Cause Order has been received by the Court.

The plaintiff has failed to serve the summons and complaint on the defendant within the time allowed by Rule 4(m), and has failed to respond to the Court’s Show Cause Order, indicating to the undersigned that the plaintiff has no desire to prosecute this case. Accordingly, this action shall be **Dismissed**, without prejudice, due to the plaintiff’s failure to prosecute.

**IT IS SO ORDERED.**

  
**UNITED STATES DISTRICT JUDGE**